IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WA.No. 1802 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.18227/2006
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APPELLANTS: RESPONDENTS 1 TO 4
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1. THE STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION, WAYANAD.

3. THE ASSISTANT EDUCATIONAL OFFICER, MANANTHAVADY.

4. THE SUB TREASURY OFFICER, SULTHAN BATHERY.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

RESPONDENT: PETITIONER
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1. G.THANKACHAN, RETIRED HEADMASTER, G.L.P.SCHOOL, MANGALASSERIMALA, RESIDING AT POOKKOOTTIL HOUSE, MALAVAYAL, THOVARIMALA P.O., SULTHAN BATHERY.

2. MANAGER, KERALA STATE FINANCIAL ENTERPRISES, KALPETTA BRANCH, WAYANAD.

3. MANAGER, CANARA BANK, PADINJARATHRA, WYNAD.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.K.S.HARIHARAPUTHRAN, SC, KSFE
SRI.R.S.KALKURA, SC CANARA BANK

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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W.A. NO. 1802 OF 2007

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Dated this the 25th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

We find no error in the view expressed by the learned Single Judge. Admittedly no written consent has been obtained from the employee and it will not be possible for the Government to recover the amount from the DCRG. It is open to the Government to take other measures to recover the amount, about which we express no opinion.

Writ appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp